

MINUTES
SENATE EDUCATION COMMITTEE

DATE: Thursday, March 28, 2013

TIME: 1:00 P.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Mortimer, Senators Pearce, Fulcher, Nonini, Thayn, Patrick, Durst and Buckner-Webb

**ABSENT/
EXCUSED:**

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairman Goedde** called the Education Committee (Committee) to order at 1:04 p.m. and a silent roll was taken.

H 65 **Chairman Goedde** noted that **H 65** had been previously discussed on March 21, 2013.

MOTION: **Senator Durst** made a motion to send **H 65** to the Senate floor with a **do pass** recommendation. **Senator Thayn** seconded the motion. **Vice Chairman Mortimer** asked several clarifying questions of Senator Goedde concerning redistribution of education funds following the defeat of Students Come First (SCF). **Chairman Goedde** distributed a chart to the Committee and reviewed the numbers. The chart is attached and incorporated by reference.

Senator Durst commented that he was happy to make the motion on **H 65**, to "do right" for Idaho's students and give them certainty for the remainder of this year. He also expressed his appreciation of the Chairman's efforts to ensure the best solution.

Senator Thayn said that he had received a lot of emails saying that the legislature should not put anything back from the defeated SCF laws. However, he did not think that people realized that Propositions 1, 2, and 3 had removed over \$30 million in education funding, and he said this bill is the right thing to do for this year. **Senator Fulcher** also complemented the Chairman for his work and persistence.

Vice Chairman Mortimer also praised Chairman Goedde for his hard work. He emphasized the importance of **H 65** to the school districts. While he appreciated the need for flexibility in the districts, he also expressed concern that **H 65** did not address discretionary funds and the districts' ability to "keep the lights on." Nonetheless, he was satisfied with the outcome and ready to move forward.

The motion carried by **voice vote**. Chairman Goedde will carry **H 65** on the floor.

Nick Smith, State Department of Education (SDE), explained that **H 317** represents the recommendations of the Educator Evaluation Task Force which was comprised of representatives from each stakeholder group. These recommendations modify Idaho's rules and statutes that govern teacher and principal evaluations to meet the requirements of the Elementary and Secondary Education Act (ESEA), also known as the No Child Left Behind waiver. Idaho applied for and was granted the waiver in fall 2012. **H 317** also addresses "some holes" that were left in statute following the repeal of the Students Come First (SCF) laws.

Mr. Smith outlined the background: on February 21, 2012 the State Department of Education submitted an ESEA waiver application to grant relief from the mandates of No Child Left Behind and to establish an accountability system based on multiple measures including student academic growth rather than just student achievement. Idaho's application was approved in October 2012. The waiver was divided into three Principles, with Principle 3 of the waiver clearly outlining the required elements of teacher and principal evaluation models that each state must adopt to receive the waiver.

On November 6, 2012, Idaho voters repealed the SCF laws that formed the foundation of Idaho's teacher and principal evaluation systems. Because of this, Idaho was no longer in compliance with the ESEA waiver requirements which required student achievement and multiple measures to be a part of both teacher and principal evaluations. As a result, Idaho worked with stakeholders to extensively redraft the state board rules that govern evaluations. The new language in **H 317** is needed to revise the statute in order to bring Idaho's teacher and principal evaluation requirements back in to compliance with the ESEA waiver requirements.

Mr. Smith further explained that **H 317** accomplishes the following things: (1) Clarifies who performs evaluations of assistant superintendents and principals; (2) Establishes that all certificated teachers, regardless of contract status, receive a minimum of one evaluation annually; (3) Establishes that the evaluation be completed no later than May 1st of each year; (4) Establishes that each evaluation include a minimum of two documented observations, one of which shall be completed prior to January 1 of each year; (5) Establishes that no civil action for money damages shall arise for failure to comply with the requirements to provide at least one evaluation annually.

The Educator Evaluation Task Force recommendations represent the minimum to ensure that Idaho is able to maintain the No Child Left Behind waiver that Idaho has been granted. Without these revisions, Idaho would be at risk of having its waiver revoked by the U.S. Department of Education and would need to go back to utilizing No Child Left Behind as our state accountability system rather than being able to utilize our state developed accountability system known as the Star Rating System.

Senator Nonini questioned the reference to "no civil action for money damages."

Mr. Smith explained that the language was intended to ensure that no "wiggle room" existed for a teacher to bring a cause of action based on a technicality. For example, in some districts, teachers may be hired at the end of the first semester. If that is the case, they would have already missed the January 1 deadline for the first observations. In another example, a teacher may go on a leave of absence for the birth of a child which could prevent the principal from completing the classroom observations and the final evaluation.

Senator Pearce asked if **H 317** contained more than the federal government required. **Mr. Smith** replied that **H 317** sets forth two additional requirements. The first sets out who shall perform evaluations on superintendents and administrators. The second adds the liability section previously discussed.

Vice Chairman Mortimer asked Mr. Smith to describe where Idaho stands in terms of federal compliance and quality. **Mr. Smith** described the cooperative working relationship with the U.S. Department of Education (USDE) in Washington. The USDE established a team which was assigned to Idaho, and engaged him in weekly telephone calls and conversations. **H 317** is the product of that teamwork. The Committee can expect to see the evaluation requirements in rules review next session. In terms of implementation, **Mr. Smith** said that Idaho developed teacher evaluation standards over five years ago; now they are working on principal evaluations. In addition, administrators will need proficiency training for performing evaluations. Idaho is doing a good job and moving in the right direction.

MOTION: **Senator Patrick** made a motion to send **H 317** to the Senate floor with a **do pass** recommendation. **Vice Chairman Mortimer** seconded the motion. The motion carried by **voice vote**.

H 324 **Senator Brackett** said that the purpose of **H 324** is to authorize Idaho to join the Interstate Compact on Educational Opportunity for Military Children (the Compact). The Compact provides various mechanisms so that military children are not unfairly disadvantaged because of school attendance in multiple states or countries. The proposal is to ensure timely enrollment of military children; facilitate student placement without disadvantage for variations in attendance requirements, scheduling, sequencing, grading, course content or assessment between sending and receiving schools; and ensure on-time graduation of military children. Forty-three other states have joined the Compact.

This latest effort for Idaho to join the Compact started in December 2012 when Mountain Home Base Commander, Colonel Short, raised the issue at the Boise Chamber meeting. **Senator Brackett** said he has been working on this legislation all session, and finally has all parties on board. The school district most impacted is the Mountain Home School District. Superintendent Tim McMurty has been closely involved and has approved this bill. **Vice Chairman Mortimer** asked clarifying questions concerning compliance provisions and composition of the state commission.

MOTION: **Senator Durst** made a motion to send **H 324** to the Senate floor with a **do pass** recommendation. **Senator Buckner-Webb** seconded the motion. The motion carried by **voice vote**.

HCR 33 **Chairman Goedde** explained to the Committee that **HCR 33** establishes an interim education committee to study educational issues. **Senators Thayn, Nonini, Pearce** and **Durst** raised questions concerning the duplication of an interim committee with the governor's task force. **Chairman Goedde** replied that legislators would serve on the interim committee, and he would be interested to see a different perspective.

MOTION: **Senator Durst** made a motion to send **HCR 33** to the Senate Floor with a **do pass** recommendation. The motion died for lack of a second.

MOTION: **Senator Nonini** made a motion to hold **HCR 33** in Committee. **Senator Thayn** seconded the motion.

ROLL CALL VOTE: **Senators Nonini, Thayn, Patrick** and **Buckner-Webb** voted **aye**. **Chairman Goedde, Vice Chairman Mortimer,** and **Senators Pearce, Fulcher** and **Durst** voted **nay**. The substitute motion failed.

Senator Fulcher commented that if the Committee does not engage in the process, they cannot be part of the solution. In that case, the Committee would more likely be subject to the decisions of the executive branch.

MOTION: **Senator Fulcher** made a motion to send **HCR 33** to the Senate floor with a **do pass** recommendation. **Senator Durst** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: Having no further business before the Committee, **Chairman Goedde** adjourned the meeting at 1:56 p.m.

Senator Goedde
Chairman

Elaine Leedy
Secretary